

**REMARKS:**

No amendment has been made to the claims. Claim 25 is the only independent claim pending.

In the Office Action which has been made final, claims 25, 28-30, 33, 34, 38, 39, 41-48, 84 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al (US 5,870,683) in view of Nishino (US 6,233,452). Applicants do not believe that Wells and Nishino, either alone or combined, disclose or teach all of the limitations in claim 25.

But before making substantive arguments against the rejection, Applicants would like to object to the rejection itself. MPEP 706.07(e) states that:

“Although it is permissible to withdraw a final rejection for the purpose of entering a new ground of rejection, this practice is to be limited to situations where a new reference either fully meets at least one claim or meets it except for differences which are shown to be completely obvious.”

“The practice should not be used for application of subsidiary references, or of cumulative references, or of references which are merely considered to be better than those of record.”

Thus, the MPEP allows an Examiner to withdraw a final rejection to enter a new ground of rejection only when the Examiner finds a new reference which is more pertinent than any other references already of record. In fact, the MPEP requires that the new reference be pertinent enough to fully meet the limitations of at least one claim or meet it with a very minor difference. The reason for this requirement to the Examiners is clear that the MPEP prohibits the Examiners from making makeshift searches and lingering over their examination processes.

Turning to the present case, the previous Office Action, which was mailed June 13, 2006, was final in which the claims were rejected as being unpatentable over Moles et al. (U.S. Patent No. 7,024,557) in view of Wells et al. (U.S. Patent No. 5,870,683). Thus, Moles et al. was the main reference, and Wells et al. was a

secondary reference. However, the Office Action was withdrawn because Examiner Ly overlooked the translation of the priority document of record. Moles et al. cannot qualify as prior art against the present application. After withdrawing the previous Office Action, Examiner Ly issued the current Office Action to enter a new ground of rejection.

In the new rejection, Examiner Ly rejected the claims as unpatentable over Wells et al. in view of Nishino (U.S. Patent No. 6,233,452). This time, Wells et al is the main reference. In the new rejection, Nishino is the only reference which is newly cited. According to the MPEP, the Examiners are allowed to withdraw a final rejection only when they find a new reference which is more pertinent than any other references already of record. Please note that Nishino was cited as a secondary reference. As Examiner Ly admits, Nishino is indeed a remote reference. It is not even close to fully meeting claim 25 or meeting it except for differences which are shown to be completely obvious.

Furthermore, Applicants would like to question about Examiner Ly's repeated citation of Wells et al. In the current Office Action, Examiner Ly relied mainly on Wells et al. But Wells is a cumulative reference. Examiner Ly cited Wells in the previous two Office Actions and Applicants each time successfully overcame the reference. In the current Office Action, nonetheless, Examiner Ly cited Wells as the main reference. Applicants question the efficiency of the prosecution given that Applicants have repeatedly overcome the Wells reference, but must address the Wells reference yet again.

In fact, Wells is not the only reference which has been cited multiple times. In the Office Action mailed November 26, 2004, Examiner Ly rejected the claims under 35 U.S.C. 103(a) over Evans et al (US 6,650,889) in view of Kuno et al (US 6,473,628). Applicants successfully overcome the rejection. However, in the Office Action mailed September 30, 2005, Examiner Ly again rejected the claims over Evans et al. in view of Kuno et al. Applicants simply repeated the previous argument to overcome the rejection.

Applicants thus believe that Examiner Ly's repeated citation of references that have been clearly overcome is questionable. This is precisely the kind of examination practice condemned by the MPEP.

### **Rejection over Wells et al in view of Nishino should be withdrawn**

Claim 25 recites "a registration control that upon a selection by the user of one block of screen data through the preview of the received one or more blocks of screen data, stores the selected one block of screen data in one of multiple memory areas each correlatable to any one of the at least one standby state." Thus, the registration control stores a selected block of screen data. In other words, the registration control selectively stores screen data and does not store all screen data downloaded.

Claim 25 also recites "a viewer that activates the network browsing functionality to selectively access information provider servers located in the second network and receive one or more blocks of screen data from the accessed information provider servers for preview of the received one or more blocks of screen data by a user of the mobile communication terminal." The registration control in combination with the viewer gives users a unique advantage of previewing screen data downloaded and selectively registering screen data of interest.

Wells et al. fails to disclose or teach the viewer and the registration control. The disclosure in Wells which is considered relevant, although only marginally so, appears in col. 10, lines 11-19, which reads "Animation ... can be loaded ... from the network 32....." Applicants already argued in the response dated March 30, 2006 that Wells et al fails to disclose or teach the viewer. Please review the March 30, 2006 response for the details of the argument.


There is nothing in Wells et al. that discloses or teaches the registration control. Wells et al. simply states that animation can be loaded from a telephone

network. Wells et al. is completely silent about how the loaded animation is then stored or registered.

Nor does Nishino disclose or teach the registration control. As Examiner Ly admits, Nishino is merely a secondary reference and remote. It discloses that a wireless terminal can have an Internet access capability. There is nothing in Nishino that discloses or teaches how data downloaded from the Internet is stored or registered.

Respectfully submitted,

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